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Mr. James L. Ball  
Chief, Policy Division  
International Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Improving Public Safety Communications in the 800 MHz Band  
(WT Docket No. 02-55)**

Dear Mr. Ball:

The Boeing Company ("Boeing") wishes to bring to the attention of your office important international concerns that are implicated by proposals to alter significantly licensed spectrum usage in the 800 MHz band. The Commission is currently considering a so-called "Consensus Proposal" to reband 800 MHz in an attempt to reduce harmful interference to public safety and private wireless operations caused by the low-site cellular operations of commercial wireless operations such as those of Nextel.

Many incumbent 800 MHz licensees (public safety and others) operating within the Canadian and Mexican border areas will be affected significantly by the proposed rebanding. Existing bilateral agreements with Canada and Mexico significantly limit the number of channels available for licensing by each country in the border areas, which results in increased coordination difficulties on both sides of the border.

Several filings in the 800 MHz proceeding highlight the unresolved international issues. For example:

- Industry Canada ("IC") expressed concern regarding the Consensus Proposal's potential for harmful interference to communications in Canada (including public safety communications). It believes implementation of the Consensus Proposal would cause "major disruptions in the operation of systems along the border." IC also expressed concern that the Consensus Proposal "will certainly

impact numerous agreements which IC has with the FCC.” IC further observes that “there is no arrangement available between Canada and the US concerning land mobile uses in the 700 MHz band” to accommodate the Consensus Proposal’s plans and that “a new arrangement must be negotiated . . . to allow US PCS providers to operate [at 1.9 GHz] along the US border area.” IC concluded that public safety operations in the border areas “will be compromised” under the Consensus Proposal. (See 10/29/03 Ex Parte in WT Docket No. 02-55).

- The Commonwealth of Pennsylvania observed that its border with Canada presents special challenges for the development of high-profile, high-ERP sites and adds yet another dimension to the problem of ensuring enough contiguous and common spectrum to support its public safety needs. (See 6/26/03 Ex Parte in WT Docket No. 02-55).
- The United Telecom Council, principally representing utilities, observed that the Consensus Proposal has yet to provide a viable Mexican border area frequency allocation scheme for Tucson, Yuma, and San Diego and that the proposed frequency allocations make interoperability impossible for public safety communications between border and non-border systems. (See 8/7/03 Ex Parte in WT Docket No. 02-55).
- The National Association of Manufacturers (“NAM”) and MRFAC, representing manufacturing and related private radio interests, has concluded that the Consensus Proposal “continues to avoid hard issues associated with border regions.” (See 11/17/03 Ex Parte in WT Docket No. 02-55).
- The Snohomish County Emergency Radio System (“SERS”) cautioned that “the plan is vague with regard to band plans for the border regions...and does not seem to adequately anticipate the complexity of migrating existing users.” The SERS also added that “there is no clear proposal to ensure harmony between U.S. non-border area interoperability channels, border region interoperability channels, and Canadian and Mexican interoperability channels”. (See 2/10/03 Comment in WT Docket No. 02-55)
- The King County Regional Communications Board expressed concern “that the re-banding effort proposed in the [Consensus Proposal] may result in a net loss of useable spectrum for our [border] area” and require continued use of Canadian primary

channels that would likely continue interference problems. King County also expressed concern regarding the potential lack of new equipment for use in the border areas and that "developing an effective band-plan and migration strategy in the complex border areas will require numerous technical, procedural and perhaps political issues be addressed and resolved to make the effort a success." (See 2/10/03 Comment in WT Docket No. 02-55)

- Motorola observed that resolution of border area issues "will impact implementation and transition to a new band plan" with respect to the number of radios that can be retuned, rather than replaced. For example, Motorola cautioned that the proposed use of different channel arrangements in the border areas would have a "major impact" on the development of new software that can be used in existing 800 MHz radio equipment. (See 11/03/2003 Ex Parte in WT Docket No. 02-55).

Boeing, along with the Border Area Coalition, has repeatedly highlighted in formal pleadings and meetings with Commission staff the difficult border area and international coordination issues associated with rebanding 800 MHz. Boeing remains concerned that the magnitude and scope of these issues are not fully appreciated. Boeing is particularly concerned about an apparent misperception that relocating parts of border area B/ILT incumbent systems to 900 MHz spectrum could minimize international coordination issues. Such an approach could not be employed for border area incumbents for several reasons, including difficult coordinations with Canada and Mexico and the lack of availability of suitable dual band 900 MHz equipment. Even if these impediments could be resolved, transitioning to an 800/900 MHz split band system would require significant redesign of system and maintenance infrastructures and would require new equipment that has not been considered or accounted for in the Consensus Proposal.

The Consensus Proposal to reband 800 MHz does not address adequately the needs and concerns of border area incumbents and is not consistent between border and non-border areas. The Consensus Proposal creates an unwieldy "double border," in which the operations of border area licensees in the United States would be in conflict with adjacent spectrum uses both across the border, and with other U.S. licensees operating in the United States but just outside the border area. The Consensus Proposal also contains inequitable and disproportionate spectrum allocations for border area and non-border area incumbents and reduces critical border area interoperability. In addition to its other shortcomings, the Consensus Proposal disregards the time and resources that would be required to

renegotiate existing bilateral agreements to ensure comparable rebanding solutions for the entire United States. Instead, the Consensus Proposal encourages increased reliance on secondary use of Canadian primary channels by border area U.S. licensees. Such reliance on secondary operations cannot be a mainstay of border area solutions.

In its previous comments in the 800 MHz docket, Boeing put forth constructive suggestions for addressing border area issues. Foremost, the Commission should refuse to adopt the Consensus Proposal absent careful technical analysis and adequate resolution of the border area issues. It has been shown that technical and operational fixes short of rebanding can adequately resolve 800 MHz interference problems. Alternatively, in the context of rebanding, the Commission should grandfather border area incumbents to avoid forced relocation and international coordination conflicts until the Commission completes a comprehensive and consistent overhaul of bilateral agreements with Canada and Mexico.

Most important, Boeing urges the International Bureau to ensure that the border area issues highlighted above are adequately addressed in any order adopted by the Commission addressing interference problems at 800 MHz. Border area incumbents such as Boeing depend on communications networks operating in the 800 MHz band to ensure the safe and effective operation of major manufacturing facilities. After almost two years of contributing to this proceeding, border area spectrum users should not be required to wait for further proceedings to be completed in order to secure regulatory certainty that no disruption or harmful interference will occur to their critically important 800 MHz communications networks.

Sincerely,

/s/ Sheldon R. Bentley

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